

MEMORANDUM

TO: Honorable Mayor and City Commissioners
FROM: Albert C. Galloway, Jr., City Attorney
VIA: James Slaton, City Manager
SUBJECT: Ordinance 2022-16 repealing the City's Ordinances dealing with charitable solicitation (panhandling) which allegedly run afoul of the Constitution's First Amendment free speech provisions
DATE: April 25, 2022

SYNOPSIS: On April 18, 2022, the City received correspondence from Southern Legal Counsel asserting that §§15-14 and 20-3 of the Lake Wales Code of Ordinances run afoul of the free speech provisions of the United States Constitution. The letter cites numerous recent cases which have found Code provisions similar to those of the City which are unconstitutional.

RECOMMENDATION: That the City Commission adopt Ordinance 2022- to rescind §§15-14 and 20-3 of the Lake Wales Code of Ordinances to allow for subsequent re-enactment of provisions which will not impact free speech as alleged.

FISCAL IMPACT: None.

ATTACHMENTS: Proposed Ordinance 2022-16.